



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,842	05/30/2001	Li Yao	9580-012-999	7254

20582 7590 09/03/2002

PENNIE & EDMONDS LLP
1667 K STREET NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

NAFF, DAVID M

ART UNIT	PAPER NUMBER
----------	--------------

1651

2

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866842

Applicant(s)

Peachtree

Examiner

A. Caff

Group Art Unit

1651

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5/30/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-30 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 1-30 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Claims in the application are 1-30.

Restriction to one of the following inventions is required under 35
U.S.C. 121:

I. Claims 1 and 2, drawn to a material comprising a porous
substrate comprised of a polymer and a functional additive and
having a surface with a region defined by some of the
functional additive, and a biological or chemical moiety
covalently or non-covalently bound to the region, classified in
class 435, subclass 180.

II. Claims 3-25 and 28-30 drawn to a material comprised of a porous
substrate and a functional additive and having a surface with a
region defined by some of the functional additive, a spacer
covalently bound to the region, and a biological or chemical
moiety covalently or non-covalently bound to the a spacer, and
to a method of providing the material, classified in class 435,
subclass 181.

III. Claims 26 and 27, drawn to a method of controlling the
functionalization of a sintered polyolefin substrate by
sintering a mixture of polyolefin particles and functional
additive particles having functional groups wherein the
functional additive in the mixture is approximately
proportional to the density of functional groups on a surface
of the sintered polyolefin substrate, classified in class 435,
subclass 174.

The inventions are distinct, each from the other because:

The invention of Groups I, II and III can each be carried out without performing the invention of any other group to provide a different end result from any other group. Groups I and III do not require a spacer as required by Group II. Groups I and II do not require
5 a method of controlling functionalization of a sintered polyolefin substrate as required Group III. Group III does not require a biological or chemical moiety as required by Group I. Group II does not require a material containing a biological or chemical moiety bound to a region of a surface without a spacer as in Group I.

10 Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be
15 complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no
20 longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Naff whose telephone
25 number is (703) 308-0520. The examiner can normally be reached on

Application Number: 09/866,842
Art Unit: 1651

Page 4

Monday-Thursday and every other Friday from about 8:30 AM to about 6:00 PM.

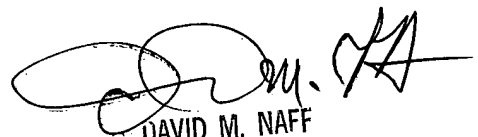
If attempts to reach the examiner by telephone are unsuccessful, a message can be left on voice mail.

5 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn, can be reached at telephone number (703) 308-4743.

The fax phone number is (703) 872-9306 before final rejection or (703) 872-9307 after final rejection.

10 Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

15


DAVID M. NAFF
PRIMARY EXAMINER
ART UNIT 1651

DMN
8/30/02